

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

KIEL STONE,

Plaintiff,

v.

TODD SHEPHERD, et al.,

Defendants.

CAUSE NO.: 3:18-CV-54-RLM-MGG

OPINION AND ORDER

Among the many claims Kiel Stone asserts in this suit is one against St. Joseph Superior Court magistrate Paul Singleton. Mr. Stone claims Judge Singleton wrongly denied him a public defender in a case pending in the Superior Court. Mr. Stone asks for an award of damages and the discharge of Judge Singleton from his magistrate position. Judge Singleton moved to dismiss for failure to state a claim upon which relief can be granted, Fed. R. Civ. P. 12(b)(6), and Mr. Stone didn't file a response.

A judicial officer is immune from an award of damages under the federal constitution for actions within the scope of the magistrate's capacity as a judicial officer. Pierson v. Ray, 386 U.S. 546 (1967). Judge Singleton's denial of a public defender for Mr. Stone falls squarely within the scope of his judicial duties. There is no authority to support Mr. Stone's alternate prayer for relief that the court fire Judge Singleton from his judicial position.

Accepting all of the complaint's allegations as true with respect to Magistrate Singleton, there is no set of facts consistent with Mr. Stone's

complaint upon which relief can be granted against Judge Singleton. The court GRANTS Judge Singleton's motion to dismiss [Doc. No. 44].

SO ORDERED.

ENTERED: November 13, 2018

/s/ Robert L. Miller, Jr.

JUDGE
UNITED STATES DISTRICT COURT